

UNITED STATES DISTRICT COURT
for the
District of Arizona

004
9-3-17

United States of America
v.
Jose Lino Landaverde Lemus,
a.k.a.: Jose Lino Linolandaverde,
(A201 034 022)
Defendant

Case No.

17-8371MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of May 5, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Jose Lino Landaverde Lemus, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Mesa, Arizona, on or about October 17, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Sheila A. Phillips

☒ Continued on the attached sheet.


Complainant's signature

Darrin J. McNeill,
Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: September 5, 2017


Judge's signature

City and state: Phoenix, Arizona

John Z. Boyle,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Darrin J. McNeill, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On May 5, 2017, Jose Lino Landaverde Lemus was arrested by the Phoenix Police Department and booked into the Maricopa County Jail (MCJ) on local charges. On about the same date, while incarcerated at the MCJ, Landaverde Lemus was examined by ICE Officer T. Madill who determined Landaverde Lemus to be a citizen of El Salvador, illegally present in the United States. On that same date, an immigration detainer was lodged with the county jail. On September 3, 2017, Landaverde Lemus was released from the Arizona Department of Corrections and transported to the Phoenix ICE office for further investigation and processing. Landaverde Lemus was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Jose Lino Landaverde Lemus to be a citizen of El Salvador and a previously deported alien. Landaverde Lemus was removed from the United States to El Salvador through Mesa, Arizona, on or about October 17,

2012, pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no record of Landaverde Lemus in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Landaverde Lemus' immigration history was matched to him by electronic fingerprint comparison.

4. On September 3, 2017, Jose Lino Landaverde Lemus was advised of his constitutional rights. Landaverde Lemus freely and willingly acknowledged his rights and declined to make any further statements.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about May 5, 2017, Jose Lino Landaverde Lemus, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States

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to El Salvador at or near Mesa, Arizona, on or about October 17, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



Darrin J. McNeill,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 5th day of September, 2017.



John Z. Boyle,
United States Magistrate Judge